PATENT COOPERATION TREATY

PCT

TRANSLATION INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 2003P16444WO				FOR FURTHER A	CTION	See Form PCT/IPEA/416					
International application No.				International filing dat	e (day/month/year)	Priority date (day/month/year)					
PCT	/EP2	2004/052	630	22.10.200	.10.2004 29.10.2003						
Internati	international Patent Classification (IPC) or national classification and IPC										
H04	но4м7/00, но4м3/487										
	Applicant SIEMENS AKTIENGESELLSCHAFT										
1.	 This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36. 										
2.	This R	EPORT consists	of a total of	9	sheets, including	this cover sheet.					
3.	This re	eport is also accor	mpanied by Al	NNEXES, comprising:							
	a. 🔀	(sent to the	applicant and	to the International Bu	reau) a total of 3	sheets, as follows:					
	a. (sent to the applicant and to the International Bureau) a total of 3 sheets, as follows: sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).										
	sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental										
	. г	Box.	.	D 1 1 1 1 6							
	b	(sent to the	International I	Bureau only) a total of (indicate type and number	of electronic carrier(s))					
	, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see										
				rative Instructions).	mercared in the Supplet	mental Box Relating to Sequence Elisting (see					
4.	This re	eport contains ind	ications relati	ng to the following item	s:						
	\boxtimes	Box No. I	Basis of the	report							
	Ш	Box No. II	Priority								
	Ш	Box No. III	Non-establis	shment of opinion with	nent of opinion with regard to novelty, inventive step and industrial applicability						
		Box No. IV	Lack of unit	y of invention							
	\boxtimes	Box No. V		atement under Article 3 d explanations supportin	· · ·	ty, inventive step or industrial applicability;					
		Box No. VI	Certain doci	uments cited							
	Box No. VII Certain defects in the international application										
	Box No. VIII Certain observations on the international application										
Date of submission of the demand					Date of completion of thi	s report					
Name a	nd maili	ng address of the	IPEA/EP		Authorized officer						
Facsimi	le No.				Telephone No.						

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/052630

Box	No. I	I Basis of the report									
1.		th regard to the language , this report is based on the internatic icated under this item.	onal application in the language in	which it was filed, unless otherwise							
	This report is based on translations from the original language into the following language which is the language of a translation furnished for the purposes of: international search (Rule 12.3 and 23.1(b)) publication of the international application (Rule 12.4)										
2.	rece	international preliminary examination (Rule 55.2 and the regard to the elements of the international application, this eiving Office in response to an invitation under Article 14 at a report): the international application as originally filed/furnished the description:	report is based on (replacement s								
		pages 1-10 pages*		as originally filed/furnished							
		pages*	_	_							
	\boxtimes	the claims:	_ received by this redinority on								
		nos.		as originally filed/furnished							
		nos.*	as amended (togethe	r with any statement) under Article 19 05.10.2005 with letter							
		nos.* _ 1-12	received by this Authority on	of 04.10.2005							
		nos.*	received by this Authority on								
	\boxtimes	the drawings:									
		sheets 1/1		as originally filed/furnished							
		sheets*	received by this Authority on								
		sheets*	received by this Authority on								
		a sequence listing and/or any related table(s) – see Supplem	nental Box Relating to Sequence L	isting.							
3.		The amendments have resulted in the cancellation of:									
		the description, pages									
		the claims, nos.									
		the decision of the first									
		the sequence listing (specify):									
		any table(s) related to sequence listing (specify):									
4.		This report has been established as if (some of) the amend they have been considered to go beyond the disclosure as fi									
		the description, pages									
		the claims, nos.									
		the drawings, sheets/figs									
		the sequence listing (specify):									
		any table(s) related to sequence listing (specify):									
*	If ite	em 4 applies, some or all of those sheets may be marked "sup	erseded."								

International application No.	•
PCT/EP2004/052630	

Box	x No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability citations and explanations supporting such statement	7;
1.	Statement		
	Novelty	y (N) Claims 1-12 Claims	
	Inventiv	ve step (IS) Claims 1-12	
	Industri	ial applicability (IA) Claims 1-12 Claims	
2.	Citations ar	nd explanations (Rule 70.7)	
	1.	This report makes reference to the following	
		documents:	
		D1: EP-A-1 096 770 (AVAYA TECHNOLOGY CORP) 2 May 2001 (2001-05-02)	
		D2: SCHULZRINNE H ET AL: "Signaling for Internet	
		telephony" NETWORK PROTOCOLS, 1998.	
		PROCEEDINGS. SIXTH INTERNATIONAL CONFERENCE	
		ON AUSTIN, TX, USA 13-16 OCT. 1998, LOS	
		ALAMITOS, CA, USA, IEEE COMPUT. SOC, US, 13	
		October 1998 (1998-10-13), pages 298-307,	
		XP010309377 ISBN: 0-8186-8988-9	
	2.	The present application fails to meet the	
		requirements of PCT Article 33(1) because the	
		subject matter of claims 1, 11 and 12 does not	
		involve an inventive step within the meaning of	
		PCT Article 33(3).	
	2.1	D1 is considered to be the prior art closest to	
		the subject matter of claim 1. D1 (the references	
		in parentheses are to D1) discloses:	

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

method of reducing processing costs for useful data transmitted in the direction of a communications device in cases (column 2, lines 22-24) in which, within the framework of a service, a bidirectional connection is made between the communications device and a communications partner instance (column 3, lines 31-36) although no useful data connection to the communications device is required for the service (column 2, lines 24-29 and column 3, lines 37-39), and therefore at least a portion of the useful data is discarded prior to implementation of at least some of the working steps provided for the processing of useful data (column 3, lines 39-45), and information is transmitted from the communications device to the communications partner instance (column 3, lines 48-53).

Thus the subject matter of claim 1 differs from the known method in that the transmitted information simulates error-free transmission of useful data from the communications partner instance to the communications device.

The problem to be solved can therefore be regarded as that of preventing an error response from the communications partner instance as a result of useful data being discarded by the communications device.

In D1 (D1, paragraph [0012], "...notifies the farend party that the near-end device is discarding

is disclosed that the other

the listen stream...")

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

stream by the exchange of a message. The purpose of this message is clearly only that of preventing an error response from the other end.

Furthermore, the aforementioned distinguishing feature is disclosed in D2 (D2, page 306, right-hand column, lines 12-15). A person skilled in the art would use this feature also in the method according to D1 and in this manner arrive at a method that corresponds to claim 1, without thereby being inventive.

end is notified about the modification of the data

The subject matter of claim 1 therefore does not involve an inventive step (PCT Article 33(3)).

2.1 Furthermore, D1 (the references in parentheses are to D1) discloses a communications system for carrying out a method according to one of claims 1 to 10 (figure 1), said system comprising a filter for identifying useful data transmitted from the communications partner instance to the communications device (column 2, lines 38-40).

Means for transmitting information to the communications partner instance which simulates error-free transmission of useful data from the communications partner instance to the communications device are implicitly known from D2 (D2, page 306, right-hand column, lines 12-15).

The subject matter of claim 11 therefore does not

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

involve an inventive step (PCT Article 33(3)).

2.3 Lastly, D1 (the references in parentheses are to D1) implicitly discloses a router for carrying out a method according to one of claims 5 to 10 (column 1, lines 45-48), comprising means for discarding useful data packets transmitted from the communications partner instance to the communications device (column 2, lines 33-38 and column 1, lines 48-50).

Means for transmitting information to the communications partner instance which simulates error-free transmission of useful data from the communications partner instance to the communications device are implicitly known from D2 (D2, page 306, right-hand column, lines 12-15).

The subject matter of claim 12 therefore does not involve an inventive step (PCT Article 33(3)).

- 2.4 In conclusion, it should be noted that the present description contains embodiments regarding the information transmitted to the communications partner instance which, if appropriately taken into account in the independent claims, could substantiate an inventive step for the subject matter.
- 3. Dependent claims 2 to 10 do not contain any features which, in combination with the features of any claim to which they refer, meet the PCT

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

requirements for novelty and inventive step. The features of these claims are either directly known from D1 and D2 or are design variants that are obvious and generally known to a person skilled in the art:

Claim 2: D1 discloses as communications devices both information output systems and distribution systems (D1, column 2, lines 24-29 and figure 1, (112) and (113)).

Claim 3: D1 discloses terminals as a
communications partner instance (D1, figure 1,
(110) and (111)). Gateways are also known
communication instances.

Claim 4: D1 discloses transmission through a packet-oriented network (D1, figure 1, (105) and paragraph [0010]).

Claim 5: The discarding of useful data packets by means of a router provided upstream is design variant that is implicitly disclosed by D1 (D1, column 1, lines 45-50 and column 2, lines 33-38).

Claim 6: The discarding of incoming useful data packets by the communications device is disclosed by D1 (D1, column 3, lines 39-45).

Claims 7: Identifying data packets by means of their port address is a conventional measure.

Claim 8: Transmitting useful data packets by means of RTP is known from D1 (D1, column 6, lines 45-47).

Claim 9: Since useful data are discarded by the communications device, it seems obvious that the transmitted information affects the transmission quality of the useful data transmission.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/EP2004/052630

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement									
	Claim				protocol	is	known	from	D2	(D2,
	3.8).									
	3.07.									

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/EP2004/052630

									, 61 200 1	,
Box No.	VII	Certain de	fects in the i	nternational :	application					
The following defects in the form or contents of the international application have been noted:										
Co	ontra	ry to	PCT R	ule 5.	1(a)(i	i), the	desc	riptic	n does	not
ci	ite D	1 and	D2 or	indic	ate the	e relev	ant p	rior a	ırt	
di	isclo	sed t	herein	•						